

REMARKS

The application has been amended and is believed to be in condition for allowance.

The indication that claim 13 would be allowed if amended into independent form and further amended to overcome the rejection under 35 USC 112, second paragraph is acknowledged with thanks.

Amendments to the Disclosure

The claims are each amended to recite a "panic bar assembly" responsive to the Official Action's objection and further in consideration of PCT/FR05/00211 of which the present invention is the National Stage, wherein the invention is recited as a "barreur anti-panique".

Similarly, the usage of a "section" has been amended in both the specification and the claims as a "member of profiled section" in consideration of the use of "un profilé" in PCT/FR05/00211.

It is respectfully submitted that the foregoing two amendments clarify the description and recitation of the invention from the original French-language description and do not introduce new matter.

In addition to the foregoing amendments, the claims are further amended to address antecedent basis issues and formal issues in consideration of U.S. practice and preferences.

Claim 5 is further amended to recite "a longitudinal housing (34) which is entered via a slot" consistent with page 8, line 26 of the specification as originally filed.

Claim 9 is further amended responsive to the Official Action's comments.

Dependent claims 27-28 and independent method claim 29 are new. Dependent claim 27 depends from claim 9. Dependent claim 28 finds support in the specification as originally filed at page 8 line 35 to page 9 line 4, and page 10 line 35 to page 11 line 1.

New claim 29 recites a method claim according to page 1, lines 23-25, page 2, lines 2-10, and page 13, lines 15-19.

None of the further amendments to the claims or the new claims introduce new matter.

The specification, including the Abstract, is further amended to overcome the Official Action's objection, as detailed below. A "clean" version of the amended Abstract is provided in the appendix of this paper for the Examiner's convenience.

None of the further amendments to the specification introduce new matter.

Formal Matters - Objections to the Disclosure

The Official Action objected to the drawings, stating that element 103 is not illustrated in any of the drawing figures.

In response, the specification is amended to describe element 103 as elements 103a and 103b as presented in the drawing figures. Withdrawal of the objection to the drawings is thereby respectfully solicited.

The Official Action objected to the specification, stating that the Abstract contains "the invention", "means", and "said".

In response, the Abstract is amended in a manner believed to overcome the Official Action's objection. Withdrawal of the objection to the Abstract is respectfully requested.

The Official Action further objected to the specification, stating that the phrase "transfer member 105" at page 11, line 8 should be changed to "transfer member 145".

In reply, the specification has been amended responsive to the Official Action's objection. Withdrawal of the objection to the specification is respectfully solicited.

Formal Matters - Objections to the Claims

The Official Action objected to claims 1-26 due to various informalities.

In response, the preamble to the claims, and claims 5, and 9 are amended responsive to the Official Action's objections.

As to claims 2, 6, 7, and 8, it is respectfully submitted that the invention does not need to be limited to the presence of two and only two abutments, nor to the presence of one and only one stop portion. It is respectfully submitted that

one abutments and one stop portion particularly points out and distinctly claims the subject matter which the Applicant regards as the invention, together with the technical effects of these features.

Withdrawal of the objection to the claims is respectfully requested.

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 1-26 under 35 USC 112, second paragraph. In particular, the Official Action objects to claims 1 and 5 as being indefinite as to the subject matter of the invention.

As to claim 1, it is respectfully submitted that the claims have been preambles to the claims have been amended, as indicated above, as not directed specifically to a bolt. A bolt is recited in dependent claim 25, but not in the independent claim 1.

As to claim 5, it is respectfully submitted that claim 5 is amended in a manner believed to overcome the Official Action's rejection.

Withdrawal of the rejections under 35 USC 112, second paragraph is thereby respectfully solicited.

Substantive Issues - Section 102 and 103

The Official Action rejected claims 1-2, 4-6, 11-12, and 19-25 under 35 USC 102(b) as being anticipated by Hall et al. (US 4,312,528; "HALL").

The Official Action rejected claims 3, 10, and 18 under 35 USC 103(a) as being unpatentable over HALL.

The Official Action rejected claim 26 under 35 USC 103(a) as being unpatentable over HALL in view of Hasenfuss (US 2,104,618; "HASENFUSS").

The rejections are respectfully traversed for at least the reasons that follow.

It is firstly noted that claim 1 is amended. It is respectfully submitted that HALL fails to teach a crash bar comprising a member of profiled section articulated about a longitudinal axis by means of an articulated portion, as required by amended claim 1.

On the contrary, HALL teaches the use of several pivoting plates in addition to an elongate cover 48.

HALL discloses a panic bar E mounted on the edges of two adjacent pivoting plates 33 and 34, which are articulated on their small side on two respective decks. In the embodiment presented on Figure 5, the plate 33 has a pivot pin fixed while the plate 32 has a pivot pin mobile vertically so as to allow the advance of the bar E. In another embodiment presented in Figure 3, both axes of articulation 27 and 27' are mobile.

The bar is formed in several pieces with a complexity that the present invention is intended to avoid. For example, a joint at element 37 on figure 3 operates on the link and pin 45 and 46 vertically.

It is therefore respectfully submitted that HALL fails to teach all the features recited in amended claim 1. Accordingly, it is respectfully submitted that HALL fails to anticipate.

Amended claim 1 is therefore respectfully submitted to be patentable over the cited references. It is also respectfully submitted that claims depending from claim 1 are patentable at least for depending from a patentable parent claim.

It is further respectfully submitted that new claim 29 is patentable at least for the same reasons set forth above as to claim 1.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the March 10, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Jeremy G. Mereness/
Jeremy G. Mereness, Reg. No. 63,422
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JGM/lad

APPENDIX:

The Appendix includes the following item(s):

- ☒ - a "clean" version of the amended Abstract as provided
with this paper